

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2023 MAR 22 PM 4:19

CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY CR  
DEPUTY

GRETCHEN ANN GARDNER,  
PLAINTIFF,

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V.

CAUSE NO. 1:23-CV-00035-LY

DOES 1-99,  
DEFENDANT.

**ORDER ON REPORT AND RECOMMENDATION**

Before the court are: (1) Plaintiff's Special Urgent Motion to Deposit in Court, filed February 8, 2023 (Doc. #4); and (2) Plaintiff's Petition to Enforce Trust, filed March 2, 2023 (Doc. #8). The motions were referred to the United States Magistrate Judge for Report and Recommendation as to the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The magistrate judge filed a Report and Recommendation on March 7, 2023 (Doc. #10), recommending that this court dismiss Plaintiff's suit without prejudice and dismiss any pending motions.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a Report and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal

the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties in this cause were properly notified of the consequences of a failure to file objections. Objections to the Report and Recommendation were due March 21, 2023. As of the date of this order, no party has filed objections to the findings of fact and conclusions of law in the report and recommendation.<sup>1</sup> The court, having reviewed the entire record and finding no plain error, accepts and adopts the Report and Recommendation of the magistrate judge for substantially the reasons stated therein.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Doc. #10) is **APPROVED** and **ACCEPTED** as set forth herein.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FINALLY ORDERED** that all pending motions are **DISMISSED**.

A Final Judgment shall be rendered subsequently.

SIGNED this 27<sup>th</sup> day of March, 2023.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff filed a "Treaty of Peace, Oath of Amnesty" on March 10, 2023 (Doc. #12), but this filing neither addresses nor specifically objects to the proposed findings and recommendations of the magistrate judge.